

REMARKS

Claims 1-4, 6-14 and 16-31 remain pending in the application, with claims 5 and 15 having been previously canceled.

Claims 1-4, 6, 7-14, and 16-31 variously over Lohtia, Whitington, Degraeve, Barr and Hines

In the Office Action, claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,560,456 to Lohtia et al. ("Lohtia") in view of U.S. Pat. No. 6,131,028 to Whitington ("Whitington"), and further in view of U.S. Application Pub. No. 2001/0049274 to Degraeve ("Degraeve"); claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington and Degraeve, and further in view of U.S. Pat. No. 6,456,852 to Bar et al. ("Bar"); and claims 6 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington and Degraeve, and further in view of U.S. Publication No. 2004/0203922 to Hines ("Hines"). The Applicants respectfully traverse the rejections.

Claims 1-4, 6-14 and 16-31 all recite, *inter alia*, (1) a telephone number initiating a telephone call including at least one auxiliary digit suffixed by a subscriber to an end of the telephone number before transmission of the telephone number, (2) a location-based wireless service queried in response to the telephone call to automatically obtain a location of the subscriber, and (3) retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number; and transmitting the retrieved message in a short message.

The Examiner cites new art, Degraeve, to allegedly disclose digits affixed by a subscriber to an end of a telephone number before transmission of the telephone number at paragraph 0079. (see Office Action, page 5) This passage of Degraeve reads:

[0079] The subscriber may also provide the possibility for the recipient to select which data he wishes to receive. Preferably, this selection consists of a number of pages of a single web site, which contains the totality of the information the owner puts at the recipient's disposal. By entering a number of digits after the number, the recipient may then select the data. For example, if the number made public next to a house of sale is +32476253698 and the recipient wishes to receive page 23, he should call +32476253698*23. Of course, the owner must provide with the number to call, the contents and the number associated with each page.

Degraeve teaches a number added to a phone number for "selection ... of a number of pages of a single web site". Degraeve's number added to a phone number lacks any relevance to Applicants' claimed retrieval of a location based message. A prior art reference must be considered in its entirety, i.e., as a whole. MPEP §2141.02 (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Degraeve, and the Examiner's other cited references, considered as a whole fail to disclose, teach or suggest retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number, as recited by claims 1-4, 6-14 and 16-31.

The Examiner alleges at page 4 of the Office Action that Lohtia teaches "using a location based service to obtain a location of the subscriber (Col. 2 line 40, Col. 4 Line 32, and Col. 5 line 30)". These passages of Lohtia read:

Users can select services such as stock quotations, location information, daily schedule, movie theatre or entertainment preferences, etc." (Col. 2, lines 40-42)(emphasis added)

The information and services available to the subscribers include stock quotations, weather information, personal schedules, user location services, movie theatre preferences, or any other information that the user may require. (Col. 4, lines 30-34)

A called party or destination number corresponding to "800 WEATHER" in this example may indicate that

the user is requesting weather information, such as forecasts or observations for either a current location or a preselected location indicated in the user's service information PROFILE. (Col. 5, lines 27-32)

From these passages Lohtia is clear that a user may SELECT location information, just like a stock quotation, but at best information such as weather is provided based on a location in the user's service information **PROFILE**. Lohtia's user selecting a menu option is NOT an automatically obtained location of a subscriber as claimed. Lohtia fails to teach a location service automatically queried in response to a telephone call to obtain the user's location, as recited by claims 1-4, 6-14 and 16-31.

For this additional reason, claims 1-4, 6-14 and 16-31 are patentable over the prior art of record.

The Examiner alleges at page 4 of the Office Action that Lohtia teaches "retrieving a message relating to said location based on requested information, and transmitting said retrieved message in a short message to said subscriber" (Col. 3, lines 35-42; Col. 4, lines 48-50; Col. 5, lines 56-59; and Col. 5, line 66 to Col. 6, line 5)(emphasis added) These passages of Lohtia read:

An additional feature of the invention provides for reformatting information gathered in response to a subscriber-generated trigger. The reformatted information is adapted for the subscriber's handset display and is routed to the SMS or microbrowser server of the subscriber's wireless carrier. Alternatively, the SMS message is sent to an email gateway at the wireless carrier's location. (Col. 3, lines 35-42)

Once the users have configured their service information profiles, the requested information may be provided over the SMS whenever requested by the user. (Col. 4, lines 48-50)

Global SCP 15 obtains the requested information and then sends an SMS or microbrowser message containing the requested information to message center 16 for the wireless network. (Col. 5, lines 56-59)

In another embodiment, the Global SCP may complete the call and ask the user to enter a password or any other information. The Global SCP then asks the user to enter the trigger digits, feature code or SMS origination message. The Global SCP then sends the information to the Distributed WWIS Server. The Distributed WWIS server determines the service requested by the user. The information is then sent to the user via an SMS or microbrowser message. (emphasis added)

At best, Lohtia transmits a REQUESTED message-NOT a message relating to the **OBTAINED location** as required by all pending claims 1-4, 6-14 and 16-31.

With respect to the secondary references cited by the Examiner, the Examiner cited Whitington for allegedly disclosing a “location-based service to obtain a location of the subscriber is a wireless service (abstract, columns 2-5) and a telephone number initiating said telephone call including at least one auxiliary digit (feature code) beyond those associated with the information telephone call (column 3 lines 22-35 and column 4 lines 53-65); retrieving a message relating to said location based on requested information associated with said at least one auxiliary digit (i.e., a feature code can be used to obtain directions to the nearest gas station)(column 3 lines 22-35 and column 4 lines 53-65).” (see Office Action, page 4)

Whitington appears to teach, at best, the use of a PRE-fix, i.e., a feature code to specify a location based service. Whitington details that his PREfix “feature code is a specified sequence of digits following an ASTERISK (*). (Col. 3, lines 22-23) The HLR sends a **feature request** to location based call forwarding service, which processes the **PRE**fix **feature request** and sends a location query. (Whitington, col. 3, lines 37-47)

Whitington’s **PRE**fix **MUST** be entered **BEFORE** or in **FRONT** of the telephone number, **NOT** SUFfixed to an end of an information telephone number, as required by claims 1-4, 6, 7-14, and 16-31. This is an important distinction as it affects direction of the phone call in the first place. Whitington identifies the **PRE**fix **feature code** as a telephone call in and of itself, and sends

an appropriate origination request to the HLR 19. Whitington fails to disclose, teach or suggest an auxiliary digit SUFfixed to an end of a telephone number as recited by claims 1-4, 6, 7-14, and 16-31.

The Examiner agrees that "Whitington does not explicitly teach that the digits are suffixed by said subscriber to the end of said telephone. In the same token one of ordinary skill in the art would note that Whitington does not explicitly teach that the digits cannot be suffixed by said subscriber to the end of said telephone." (see Office Action, page 4)

Barr is relied on to allegedly teach an information number being dialed is "4-1-1" at col. 3, line 15. (see Office Action, page 8) A thorough reading reveals that Barr lacks any relevance to use of auxiliary digits SUFfixed to an information telephone number.

Hines is relied on to allegedly teach locating a wireless device using an angle of arrival at paragraph [0033]. (see Office Action, page 10). A thorough reading reveals that Hines lacks any relevance to SUFFIXING auxiliary digits appended to an information telephone number as required by claims 1-4, 6-14 and 16-31.

Lohtia, Whitington, Degraeve, Barr and Hines, either alone or in any combination thereof, fail disclose, teach or suggest the important combination of elements defined by claims 1-4, 6-14 and 16-31, in particular:

(1) a telephone number initiating a telephone call including at least one auxiliary digit SUFfixed by a subscriber to an end of the telephone number before transmission of the telephone number;

(2) a location-based wireless service queried in response to the telephone call to obtain a location of the subscriber; and

(3) retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number; and transmitting the retrieved message in a short message.

Accordingly, for at least all the above reasons, claims 1-4, 6, 7-14 and 16-31 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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